



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,042	12/19/2001	Neeman Malek	UBI071	3644
26241	7590	11/07/2003	EXAMINER	
ROBERT A SEEMANN 89 EARL AVE HAMDEN, CT 06514			HO, THOMAS Y	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,042

Applicant(s)

MALEK ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Claim Objections***

Claim 13 is objected to because of the following informalities: the amendment filed 9/9/03 indicates that claims 2-13 are cancelled, but adds claim 13 as a new dependent claim. It is believed that applicant only desired claims 2-12 to be cancelled, therefore, claim 13 will be treated on the merits. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addicks US2776447 in view of Nakanishi US5383303.

As to claim 1, Addicks discloses a window balance comprising: a window frame (col.2, ln.50-53), a window sash (also referred to as a sliding construction or window casing post in col.2, ln.34-36) movably mounted in said window frame, a torsion spring 1 (col.3, ln.10-12) having a first end (lower end of spring 1 in Figures 1 and 3) and a second end (upper end of spring 1 in Figures 1 and 3), a spiral rod 12 within said torsion spring 1 having a third end (lower end of rod 12 in Figures 1 and 3) near the first end, a fourth end (upper end of rod 12 in Figures 1 and 3) near the second end, and a first axis through the third end and the fourth end (the longitudinal axis of the spiral rod 11 travels through the third and fourth ends of the spiral rod), a threaded follower 6,11 mounted on said spiral rod for being rotated by said spiral rod when said

Art Unit: 3677

follower is moved along said spiral rod between the third end and the fourth end of said spiral rod (col.3, ln.1-12), said threaded follower being attached to the first end of said torsion spring for rotating the first end of said torsion spring by rotation of said follower, first means 2,3 for attaching the second end of said torsion spring to a window sash for axial movement of said torsion spring by the sash for moving said follower along said spiral rod by moving the sash, attached to said window sash. Addicks discloses that the bottom mounting portion 13,14, to which the spiral rod 12 is fixed, is mounted to the frame, and the upper mounting portion 2,3, to which the torsion spring 1 and follower 6,11 are fixed, is mounted to the sash, a gear assembly 16 fixedly mounted on said window frame.

The difference between the claim and Addicks is the claim recites a gear shaft attached to the third end of said spiral rod preventing axial movement of said spiral rod with respect to the window frame and for rotating said spiral rod for changing base force in said torsion spring. Nakanishi discloses a window balance similar to that of Addicks. In addition, Nakanishi further teaches a gear assembly (Figures 5 and 6), comprising a gear shaft 32 attached to the third end of a spiral rod 11 preventing axial movement of said spiral rod and for rotating said spiral rod 11 for changing base force in said torsion spring (col.6, ln.28-54). It would have been obvious to one of ordinary skill in the art, having the disclosures of Addicks and Nakanishi before him at the time the invention was made, to modify the third end of the spiral rod of Addicks to have a gear shaft of Nakanishi, to obtain a gear shaft mounted to the third end of the spiral rod (the third end of the spiral rod 12 of Addicks was already disclosed by Addicks as being mounted to the frame, and by mounting a gear shaft to the third end, the gear shaft would also be mounted to the frame). One would have been motivated to make such a combination because the ability to

Art Unit: 3677

adjust the balancing force of the torsion spring would have been obtained, as taught by Nakanishi (col.2, ln.50-60).

As to claim 14, Addicks discloses, further comprising: a tension spring 15 attached to said gear assembly 16 and to said first means 2,3.

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to show a window balance comprising all of the limitations of independent claim 1 in combination with the axially extending first and second elements, mounted on the first means and the gear assembly, where the first element extends for a length into the second element to prevent axial rotation between the first means and the gear assembly.

Response to Arguments

Applicant's arguments with respect to claims 1 and 13-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3677

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH

WILLIAM L. MILLER
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'W. L. Miller', written over the printed name and title.